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15 **IN THE UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF MONTANA**
 17 **BUTTE DIVISION**

05 - 499

18 MAGTEN ASSET MANAGEMENT)
 CORPORATION,) Cause No. CV-04-26-BU-RFC
 19 Plaintiff,)
 vs.)
 20 MIKE J. HANSON, JACK D. HAFFEY, ERNIE J.)
 KINDT and ELLEN M. SENECHAL,)
 21 Defendants.)
 22)
 23)

**STIPULATED MOTIONS TO
 DISMISS WITHOUT PREJUDICE,
 AND AMEND CAPTION**

24 COMES NOW Plaintiff, Magten Asset Management Corporation and Defendants, Jack D.
 25 Haffey, Ellen M. Senechal, Mike J. Hanson and Ernie J. Kindt, and hereby jointly move the Court
 26 per stipulation to dismiss Defendants Jack D. Haffey and Ellen M. Senechal without prejudice.

27 The above-named parties further jointly move the Court per Stipulation to amend the caption
 28 of this litigation to reflect the dismissal of Mr. Haffey and Ms. Senechal, which amended caption is

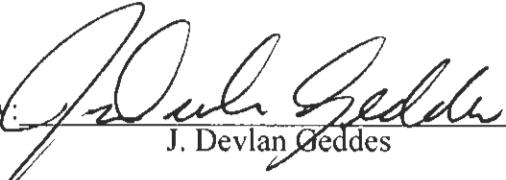
1 reflected in the proposed *Order* submitted with this Stipulation.

2 Finally, the above-named parties jointly stipulate that execution of this Stipulation by
3 Defendant's counsel shall not serve as a waiver of any defenses, including, but not limited to any
4 Rule 12(b) defenses, that Defendants are otherwise entitled to assert.

5 A proposed *Order* is attached.

6 DATED this 6th day of July, 2004.

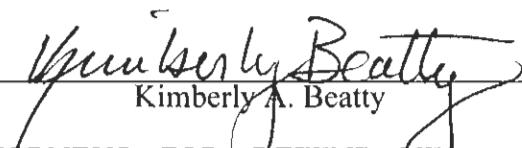
7 GOETZ, GALLIK & BALDWIN, P.C.

8 By: 
9 J. Devlan Geddes

10
11 ATTORNEY FOR PLAINTIFF, Magten Asset
12 Management Corporation

13 DATED this 2nd day of July, 2004.

14 BROWNING, KALECZYC, BERRY & HOVEN

15 By: 
16 Kimberly A. Beatty

17 ATTORNEYS FOR DEFENDANTS, Mike J.
18 Hanson, Jack D. Haffey, Ernie J. Kindt and Ellen M.
19 Senechal

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon the following counsel of record, by the means designated below, this 6th day of July, 2004.

- U.S. Mail
- Federal Express
- Hand-Delivery
- Via Fax: (212) 859-4000

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